The Scholarly Publishing Scene — Bill Begell's Legacy

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jacket for a display or to include in a calendar or newsletter. It is possible that publishers would consider this to be advertising for their product and not object.

QUESTION: *A university archivist reports that it owns a handwritten manuscript. If a staff member prepares a transcription, who owns the rights? Is the transcription an adaptation?*

ANSWER: A transcription of a manuscript is considered a reproduction of the work and not an adaptation. A transcription merely puts the handwritten text into typed text. If the manuscript were still under copyright, the author of the manuscript would own the copyright in the transcription, as well. If the manuscript is in the public domain, then the transcription is also in the public domain.

Assume that the work is still protected by copyright. Thus, what is done with transcription is important. If it is made available to individual researchers in lieu of the original manuscript, and, if the donor agreement permits such access, there is no problem. Making multiple copies or posting the transcription on the web would require permission of the copyright owner unless the donor agreement already permits such copying.

QUESTION: *A college librarian has*

several questions about databases. (1) Who is liable for the content in databases, the provider of the content or the distributor? (2) If the library acquires the database, what liability does it incur? (3) How is it determined what country's law is used if a dispute arises?

ANSWER: (1) It is the provider of the content in the database that is responsible for the content, not the distributor. (2) A library's access to a database is governed by a license agreement, and the license spells out any liability incurred by the library. Typically, libraries agree only to provide notice to its user community to comply with the terms of the license agreement and not to police its users. Liability tends to be one of the license terms that libraries negotiate with the database provider. (3) The license agreement usually contains a choice of law provision. Many of the database providers are located outside of the United States and will tend to name their country for choice of law. State institutions likely are bound by state law that require disputes against state entities be litigated in that state under its laws. Libraries should negotiate this license term also since trying a case in a foreign jurisdiction is difficult and expensive.

QUESTION: *An author asks how copyrights are enforced in this country and who can bring suit.*

ANSWER: In the United States, copyrights are enforced by copyright owners or by their exclusive licensees. Because the section

106 rights are divisible, many people and companies may have exclusive licenses for a particular work. For example, someone may have the performance license while someone else has a license to reproduce the work in copies.

There is no government enforcement agency. Owners or their exclusive licensees may sue in federal court for infringement of the exclusive rights protected by copyright, and federal courts have exclusive jurisdiction over copyright actions. If the action involves breach of a license agreement, that suit may be brought in state court, however, since they are contract actions as opposed to copyright.

Most copyright litigation involves civil actions in which the plaintiff is seeking monetary damages for infringing the reproduction, distribution, adaptation, performance or display rights (and for sound recordings, public performance by digital audio transmission) and/or an injunction to stop the infringing activity. Such actions typically begin with a cease and desist letter to the alleged infringer. There are also criminal actions that may be brought by the federal government at the request of the copyright owner for willful infringing activities for commercial gain such as counterfeiting or similar activity.

There is a three-year statute of limitations after the claim accrued for civil actions and five years for criminal actions.

The Scholarly Publishing Scene — Bill Begell's Legacy

Column Editor: **Myer Kutz** (President, Myer Kutz Associates, Inc.) <myerkutz@aol.com>

For the first dozen years or so after I left **Wiley** — I had been vice-president and general manager, scientific and technical publishing — I fielded annual phone calls from analysts who follow the fortunes of publishing houses. I was a source for a perpetual question: Would the **Wiley** family be amenable to selling their controlling interest in their eponymous company? My response to the question was another question: Would the family want their name attached to a long-lived and venerable institution, or would they be satisfied with taking the money and becoming very rich?

While other industry insiders I knew who were asked about the **Wiley** family's intentions responded in favor of the take-the-money-and-run option, I stuck with the legacy option. I believe that legacies are important to some people, and my interactions with family members had convinced me that they were in that category and were likely to remain there.

Now some publishing house owners may look at their legacies independently of whether they keep or sell their firms. One owner I got to know was **Bill Begell**, with whom I spent some pleasant times in the 1980s, mainly. I fondly recall a Metroliner trip from New York to Washington, during which we talked about some of **Bill's** favorite non-publishing topics. When you had the good fortune to be in **Bill's** company, from my admittedly limited

vantage point (more on this below), you invariably laughed a lot, and it's laughter that I remember from that train ride. Indeed, humor, sometimes self-deprecating, often seemed to be **Bill's** stock-in-trade. He would give a closing summary at the end of **Association of American Publishers'** Professional and Scholarly Publishing Division annual conferences that brought the house down. He liked to recall the time he'd been introduced to an audience as the chairman of something or other. A man of ample girth, **Bill** protested: "I'm not a chair, I'm a sofa." "No you're not," an audience member shouted, "you're a love seat!"

Bill owned the small, well-respected **Hemisphere Press**, which he'd founded in 1966. **Hemisphere** specialized in thermal science and heat transfer monographs, in addition to engineering and biomedical journals. **Hemisphere's** principal areas were key for me, as well, both as a **Wiley** acquisitions editor and later as a division general manager, so **Bill** and I were gentlemanly competitors, not shying away from publishing successive works by an author we both courted. (An Egyptian-American academic, who produced very fine books, comes to mind.) When **Bill** sold his firm to **Taylor & Francis** in 1988, the legacy subject didn't come up, at least not so far as I can remember. In any case, I may have been convinced at that time, as an author and editor of my own books,

that author and editor names would outlast publisher imprints

Bill's academic and professional credentials exceeded mine. While I held **MIT** and **RPI** engineering degrees and had worked in the aerospace industry before writing pulp novels and biographies until I was recruited in 1976 as a **Wiley** acquisitions editor, **Bill** earned a PhD, taught at **Columbia**, and was engineering director of the Heat Transfer Research Facility there. His publishing career actually started in 1962, when an assignment for a **U.S. Air Force** intelligence project led to his co-founding **Scripta Technica**, which specialized in translating engineering materials from foreign languages into English.

Later, we were both active in the **American Society of Mechanical Engineers**. I chaired the Publications Committee for a time in the 1980s, and **Bill** was the long-time chair of **Mechanical Engineering Magazine's** Editorial Advisory Board, where, as I recall, he managed with his affable style to make peace between the magazine's editorial staff and **ASME** members who demanded that particular viewpoints be reflected in the magazine's pages.

Our life histories differed in a most fundamental way. I was born in 1939 and grew up in the safety of a middle class Jewish family in Boston, far from the atrocities in Europe. **Bill**

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was born **Wilhelm Beigel** in 1927 in Vilna, then in Poland (now in Lithuania), where there was also safety in his Jewish family; his father was a Polish army officer and the family owned the city's largest hotel, where they lived. But in 1940, the Soviets seized control of Vilna, then the Germans invaded in June 1941 and established a ghetto a few months later. Two years later, **Bill's** father, who, with his military background, became a member of the Jewish police, was executed by the Latvian SS. The following year, **Bill** was sent to a labor camp with his mother and maternal grandmother.

As **Bill** would casually tell the story, decades later, he escaped from the camp simply by walking out of it one day. You can read the complete story of the escape in **Bill's** privately published memoir, *Conspicuously Invisible, Wartime Memories of a Jewish Boy from Wilno*, edited by technical journalist and documentary filmmaker **Karen A. Frenkel**, whose mother was a close friend of **Bill's** wife. **Bill** actually jumped down twenty feet from a window and was prevented from rescuing his mother and grandmother.

The memoir's title derives from **Bill's** learning, after the June 1941 German invasion,

that, in **Karen Frenkel's** formulation, "in order to survive he must be utterly inconspicuous in some situations and outrageously visible in others." I found the memoir, even though it is sprinkled with the humor I remember about **Bill**, harrowing to read. **Bill** was the only member of his large family to survive the Holocaust, so I read with a sense of foreboding. For any reader who comes to *Conspicuously Invisible* without knowing much about **Bill**, there is other terrible news at the end, where he tells about the loss of his son, **Freddie**, to an illness at the age of 36, the loss of his daughter, **Alissa**, to sickness in her mid-40s, and the death of his wife, **Tusia**, six months later.

When you close the book (if you can locate a copy — not many copies are available, as far as I can tell), you will understand that it was not written by a forgiving man. At the end, **Bill** makes clear he "hate[d] the Germans" because the Nazis had murdered the other 14 members of his family and he had been "orphaned." Years after the war, when he "first came to Frankfurt and Berlin they were in shambles and Germans lingered around me as I sat in cafes smoking cigarettes. They were waiting for the butts, but I would deliberately smash them under my heel. That was my revenge." Later, however, **Bill** heard a speech by the German Ambassador to Israel that recounted suffering of German families at the hands of the Nazis.

It "changed my mind, that some Germans were not included in my hatred."

The memoir, which was written over a period of almost 30 years and which **Bill** kept to himself until **Karen Frenkel** began to edit it, was completed shortly before his death in 2009, after a protracted illness at the age of 82. While he left no family, there is a living legacy. There is **Begell House**, the publishing firm he started after selling **Hemisphere** to **Taylor & Francis**. And there is the **William Begell Medal for Excellence in Thermal Science and Engineering**. It is awarded every four years to an individual, or, in 1918, to a team of two researchers, from among those selected to deliver Keynote Lectures at the International Heat Transfer Conference.

"I believe the only reason I was able to withstand both tragedies and continue my life," **Bill** says in *Conspicuously Invisible*, "was the fact that during the ghetto and camp times I developed a drive to survive regardless of the occurrences around me. It is obviously a very selfish attitude; nevertheless, it allowed me to continue my life, sad as it may be, without being surrounded by my closest family."

And now, with his legacy, his life will continue without him. 🐼

And They Were There

Reports of Meetings — 38th Annual Charleston Conference

Column Editors: **Ramune K. Kubilius** (Galter Health Sciences Library & Learning Center, Northwestern University Feinberg School of Medicine) <r-kubilius@northwestern.edu>

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Issues in Book and Serial Acquisition, "Oh, Wind, if Winter comes, can Spring be far behind?" Charleston Gaillard Center, Francis Marion Hotel, Embassy Suites Historic Downtown, and Courtyard Marriott Historic District — Charleston, SC, November 5-9, 2018

Charleston Conference Reports compiled by: **Ramune K. Kubilius** (Galter Health Sciences Library & Learning Center, Northwestern University Feinberg School of Medicine) <r-kubilius@northwestern.edu>

Column Editor's Note: Thanks to all of the *Charleston Conference* attendees who agreed to write short reports highlighting sessions they attended at the **2018 Charleston Conference**. Attempts were made to provide a broad coverage of sessions, but there are always more sessions than there are reporters. Some presenters posted their slides and handouts in the online conference schedule. Please visit the conference site, <http://www.charlestonlibraryconference.com/>, and link to selected videos, interviews, as well as to blog reports written by *Charleston Conference* blogger, **Donald Hawkins**. The **2018 Charleston Conference Proceedings** will be published in 2019, in partnership with **Purdue University Press**: <http://www.thepress.purdue.edu/series/charleston>.

In this issue of *ATG* you will find the fourth installment of 2018 conference reports. The first three installments can be found in *ATG* v.31#1, February 2019, v.31#2, April 2019 and v.31#3, June 2019. We will continue to publish all of the reports received in upcoming print issues throughout the year. — **RKK**

THURSDAY, NOVEMBER 8, 2018 MORNING CONCURRENT SESSIONS

Demonstrating Library ROI: Success Stories and Strategies to Replicate in Your Library — Presented by **Kristi Ward** (SAGE Publishing, moderator), **Melvin Davis** (Coastal Carolina University), **Rebecca Fernandez** (University of Texas at Tyler), **Carol Tenopir** (University of Tennessee School of Information Sciences), and **Nick Wooley** (Northumbria University) — <https://sched.co/GB4B>

Note: In an earlier program version, **Kimberley Robles Smith** was listed in lieu of **Carol Tenopir**. **Smith** did not present in this session.

Reported by **Nicole Eva** (University of Lethbridge)
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